



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/061,017	04/15/98	BAKER	S 42390.P5326

LM02/0819
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EXAMINER

VINCENT, D

ART UNIT	PAPER NUMBER
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2732

DATE MAILED:

08/19/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/061,017

Applicant(s)

Baker

Examiner

D. Vincent

Group Art Unit
2732



☒ Responsive to communication(s) filed on Aug 10, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-19 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-19 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on Aug 10, 1999 is ☒ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-3, 6-9, and 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Afify (US 5,291,485), as set forth in the previous rejection.

Response to Arguments

In re page 3, the Applicant argues that Afify does not relate at all to the subject of the claim and that there are "many reasons" reasons why.

In response, the Applicant may want to specify what the many reasons are. Although it is the Examiner's job to interpret the claims broadly, when rejecting the claimed invention, in the present application one of ordinary skill in the art would agree that the art of record clearly reads on the claimed invention. Therefore, Afify is extremely related to the claimed invention.

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For example, Afify clearly discloses writing a sequence of grouping of bits from a data bus into a memory (see i.e. 114, 122, 110, Fig. 9 or 114, 118 and 110, Fig. 10), applying groupings to a first MUX (i.e. 126 or 132, Fig. 9 or 194 , Fig. 10), applying groupings to a second MUX (i.e., 132, Fig. 9 or 186, Fig. 10) and applying "at least one" grouping to the second MUX between applying groupings from the first MUX to the second MUX (see Fig. 9 or 10 where the same data is going to the second MUX and the OHMUX and note how Overhead(OH) data is interleaved into the main data). With this in mind, it is not understood how the Applicant could possibly argue that Afify does not relate at all to the subject. The Afify reference that the Examiner is referring to is US 5,291,485.

In re page 5, the Applicant argues he/she has examined the cited patent closely and is unable to find anything described within its four corners that relates to the claimed invention and that Afify fails to disclose ...selected groupings of bits ..."are capable of" being extracted to produce another bit stream...(claim 12).

In response, the Applicant should look at figures 9 and 10 and their respective related disclosures.

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Claim Rejections - 35 USC § 103

3. Claims 4-5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Afify as applied to claim 1 above, and further in view of Dobbins, as set forth in the previous rejection.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to David R. Vincent whose telephone number is (703) 305-4957.

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Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-3900.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications; please mark "EXPEDITED PROCEDURE")

Or:

(703) 308-5403 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II,
2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

David R. Vincent

August 16, 1999


CHI H. PHAM
SUPERVISORY PATENT EXAMINER
GROUP 2700

8/16/99